

**VIRGINIA BOARD OF NURSING
MINUTES
March 21, 2006**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:05 A.M. on March 21, 2006 in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

PRESIDING: Judith E. Piersall, R.N., B.S.N., President

**BOARD MEMBERS
PRESENT:** Gregory J. Huber, R.N., M.S.N., Secretary
Brenda L. Hale, R.N.
Woody B. Hanes, R.N., M.S.N., F.N.P.
John M. Horn, L.P.N.
Florence Jones-Clarke, R.N., M.S.
Patricia C. Lane, R.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.
Brenda L. Spady, L.P.N.

**BOARD MEMBER
ABSENT:** Lynne M. Cooper, Citizen Member, Vice President
Linda D. Gross, Citizen Member

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager
Susan Bell Rosen, R.N., F.N.P., M.S., J.D., Deputy Executive Director, Discipline
Jessica Ressler, R.N.C., M.S.N., Nursing Education Consultant
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education
Cindy Cochran, R.N., Discipline Case Manager
Amy Davis, Administrative Assistant

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Robert A. Nebiker, Director, Department of Health Professions
Sandra Ryals, Chief Deputy Director, Department of Health Professions
Elaine Yeatts, Policy Analyst, Department of Health Professions
Jan Johnson, Executive Director, Virginia Nurses Association
Patricia Davis, Division of Legislative Services

**ESTABLISHMENT OF
A QUORUM:** With eleven members of the Board present, a quorum was established.

ANNOUNCEMENTS:

- Mr. Nebiker introduced Sandra Ryals, Chief Deputy Director.
- The Committee of the Joint Boards of Nursing and Medicine meeting has been changed to April 19, 2006.

DIALOGUE WITH AGENCY DIRECTOR:

Mr. Nebiker provided the following information:

- Amendment to the APA that is before the General Assembly that offers a third avenue in addition to informal conferences and formal hearings for case decisions, a summary case decision.
- General Assembly update, 26 positions were proposed for DHP in the budget, however delays may occur as the budget has not been finalized at this time. These positions include four for the Board of Nursing, three full time administrative assistants (converting three P-14 positions to full time) and one medication aide registry manager position.
- Draft directive regarding travel was reviewed; suggestions and comments will be accepted and this directive will be finalized by March 31, 2006. Ms. Piersall requested that the Director consider the benefit and importance of Board members and staff attending mid year and delegate assembly meetings of the National Council of State Boards of Nursing. Dr. Selig noted that Virginia's contribution in matters of regulation nationally was noteworthy and hoped that this could continue.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA:

The Board removed one item from the proposed consent agenda and adopted a motion by Mr. Huber to accept the remaining items which include:

- January 23, 2006 – Panel – Ms. Piersall
- January 24, 2006 – Board Meeting – Ms. Piersall
- January 25, 2006 – Possible Summary Suspension Hearings – Ms. Piersall
- January 25, 2006 – Quorum – Ms. Piersall
- January 25, 2006 – Panel – Ms. Piersall
- January 25, 2006 – Panel – Ms. Cooper
- January 26, 2006 – Panel – Ms. Cooper
- January 31, 2006 – Telephone Conference Call – Ms. Piersall
- Finance Report – Ms. Douglas
- Board of Nursing Monthly Tracking Log-Licensure & Disciplinary Statistics
- Health Practitioners Intervention Program Report
- Executive Director Report
- Examinations - NCLEX

REPORTS:

Nurse Licensure Compact Administrators Meeting:

Ms. Douglas attended the meeting in Chicago and reported that the Mississippi Board of Nursing is considering withdrawing from the Nurse Licensure Compact due to loss of revenue and concerns with NURSUS. Representatives from the Mississippi nursing association were present and expressed interest to remain in

the Nurse Licensure Compact. The bill proposed for Mississippi to withdraw from the Compact has been withdrawn, however the Mississippi Board of Nursing is still discussing issues of concern. Colorado, Kentucky, and Michigan have legislation in process to join the Nurse Licensure Compact.

National Council of State Boards of Nursing meeting:

Ms. Piersall, Ms. Hanes and Ms. Douglas attended the mid year meeting in Chicago; a presentation will be made to the Board at the May 2006 meeting.

Virginia Partnership for Nursing (VPN) meeting:

Ms. Douglas reported on the meeting of March 3, 2006. Discussion centered around the current status of the membership of VPN and plans for future efforts towards the development of a Nursing Workforce Center that would rely on public and private funds. VPN's future activities regarding this proposal will focus on developing a business plan, exploring possible funding sources and education of the nursing community regarding the purpose and function of this center which will address workforce issues related to registered nurses, licensed practical nurses and certified nurse aides.

Medication Aide Task Force Curriculum Subcommittee:

Ms. Hanes and Dr. Saxby reported on the meeting held February 24, 2006. The curriculum will be presented to the Committee when it is developed. The next meeting of the subcommittee is scheduled for April 10, 2006.

OTHER MATTERS:

Remarks from Richmond School of Health and Technology and ECPI:

Ms. Ressler provided written comments received from the above nursing programs that observed disciplinary hearings in January 2006 expressing their gratitude of being able to observe the proceedings.

REGULATIONS:

Bylaws:

The final copy of the bylaws approved by the Board at the January 2006 meeting were distributed.

Top Priorities for 2006:

Ms. Douglas reviewed the list of the top four priorities of focus for the Board of Nursing this year.

- Medication Aide Registry Program development
- Nursing education/workforce
- Disciplinary process evaluation/improvement
- Nurse practitioner random audit for protocol's and continuing competency

Training Regarding Sex Offender Issues and Applications for Licensure:

Ms. Power reported on the seminar hosted by the Department of Professional and Occupational Regulations on how to deal with licensure issues relating to sex offenders.

Nurse Aide Testing Update:

Ms. Power reported on the update of the exam subcontractor. The transition plan for NACES (Nurse Aide Competency Evaluation Services), the new subcontractor to Promissor, was presented at a meeting on March 2, 2006. An

implementation date of July 1, 2006 has been established, Board of Nursing staff will attend regional meetings.

Board of Nursing Annual Survey of Nursing Education Programs:

Ms. Ressler provided the history of gathering annual report information. The online survey will provide more efficient time of processing and calculation of survey information. The online survey has been reviewed by Board of Nursing staff. An announcement to nursing education programs will be issued by end of March 2006. Ms. Ressler shared that this new process will assist the schools and will reduce the amount of staff time in preparation of the report. The system should be in place in July.

Change in Board of Nursing Newsletter Format:

Ms. Douglas reviewed the proposed changes in the newsletter format from an annual publication to quarterly electronic submission. This will allow information to be distributed in a timely manner.

Informal Conference Committee dates for 2006:

Board members were asked to meet later today with Ms. Power and Ms. Rosen to establish the dates for the rest of the year. The total number of days for special conference committees to conduct informal conferences will be reduced as the number of days informal conferences to be heard by agency subordinates will be increased.

Ms. Douglas announced that Ms. Durrett, Dr. Younger and Dr. Elliott are now functioning as agency subordinates.

Worksite Monitor Role:

Ms. Douglas reviewed the information from Dr. McCance-Katz from the Health Practitioners Intervention Program which outlines the role and responsibility of Health Practitioners Intervention Program worksite monitors. This information was provided at the Board's request.

RECESS: The Board recessed at 10:10 A.M.

RECONVENTION: The Board reconvened at 10:30 A.M.

POLICY FORUM: **The Future of Nurse Practitioner Regulation – National Council of State Boards of Nursing Vision Paper -** Janet B. Younger, R.N., P.N.P., Ph.D.:
Dr. Younger, who serves on the National Council of State Boards of Nursing Advanced Practice Advisory Panel, presented information and recommendations regarding the National Council of State Boards of Nursing Vision Paper. Ms. Hanes moved to issue a reply to the National Council of State Boards Advanced Practice Advisory Panel indicating support in concept of the Vision Paper, and to thank the Panel for their efforts.
The motion was seconded and carried unanimously.

OPEN FORUM: No one was present to address the Board.

OTHER MATTERS
CONTINUED:

Sanction Reference Study – Neal Kauder, President, VisualResearch, Inc. and Elizabeth Carter, Ph.D. Executive Director of the Board of Health Professions: Mr. Kauder reviewed the draft instruction manual. Mr. Huber moved that the Board adopt the Sanction Reference Study instruction manual that contemplates the use of the Sanction Reference Points worksheet for all informal conferences conducted by Special Conference Committees and Agency Subordinates. The motion was seconded and carried unanimously. Training sessions for worksheet completion will be held at the Board meeting in May 2006. Implementation for use is scheduled for informal conferences in June 2006.

REGULATIONS: Ms. Yeatts reviewed the status of Board of Nursing regulatory action. The change in the amount charged for bad checks will be effective March 22, 2006.

2006 General Assembly Legislative Update:

Ms. Yeatts reviewed the status of the following bills:

- HB 300 – Physician Assistants; forms and certificates
- HB 332 – Nursing education programs
- HB 351 – Prohibition of certain transfers of moneys collected on behalf of health regulatory boards
- HB 618 – Dialysis patient care technicians
- HB 768 – Health care providers; use of reprocessed single-use medical devices (has been carried over to 2007 session)
- HB 996 – Dental hygienists administering certain Schedule VI analgesia and anesthesia
- HB 1147 – Prescription medications; child day programs
- HB 1399 – Regulation of laser or light therapy technicians (has been carried over to 2007 session), effective July 1, 2008
- SB 187 – Prescription Monitoring Program
- SB 214 – Mandatory suspension or revocation of license, certificate, or registration; reinstatement hearing
- SB 422 – Exceptions and exemptions to licensure requirements by health regulatory boards for practitioners of various natural therapies (has been carried over to 2007 session)
- SB 456 – Nurse practitioners; prescriptive authority
- SB 488 – Certified nurse midwives – clarifies relationship with physician
- SB 703 – Instruction in child abuse recognition and intervention

RECESS: The Board recessed at 12:00 NOON

RECONVENTION: The Board reconvened at 1:00 P.M.

CLOSED SESSION: Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:00 P.M. for the purpose of consideration and discussion of modification of a Board order; consent orders;

and recommendations regarding applicants for licensure. Additionally, Mr. Huber moved that Ms. Ryals, Ms. Douglas, Ms. Ressler, Dr. Saxby, Ms. Rosen, Ms. Power, Ms. Cochran, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:45 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

CONSIDERATION FOR MODIFICATION OF BOARD ORDER:

William H. Mayo, Jr. C.N.A., 1401-004571

Ms. Hale moved to modify the Board Order to allow Mr. Mayo to present learning experiences to the Board for approval instead of the National Council of State Boards of Nursing online courses stated in the Order entered December 7, 2005.

The motion was seconded and carried unanimously.

CONSENT ORDERS:

Sheila D. Goddard, R.N. 0001-057190

Dr. Selig moved to accept the consent order for indefinite suspension of Ms. Goddard's registered nurse license

The motion was seconded and carried unanimously.

Janett A. Fox, R.N. 0001-107209

Ms Hale moved to accept the consent order for voluntary surrender for indefinite suspension of the registered nurse license of Ms. Fox.

The motion was seconded and carried unanimously.

Curtis N. Griffin, C.M.T. 0019-001371

Mr. Horn moved to accept the consent order for a reprimand to be issued to Mr. Griffin.

Pamela Jennings Bishop, L.P.N., 0002-051094

Mr. Logan moved to accept the consent order for indefinite suspension of Ms. Bishop's practical nurse license.

The motion was seconded and carried unanimously.

CONSIDERATION OF RECOMMENDATIONS REGARDING APPLICANTS FOR LICENSURE:

Felicia D. Baskin, C.N.A. Applicant

Mr. Logan moved to issue an Order to accept the recommended decision to approve Ms. Baskin's application contingent upon entry into the Health Practitioner's Intervention Program.

Michelle L. Gunter, L.P.N. Applicant

Ms. Lane moved to reject the recommended decision and moved to modify the Order and direct Ms. Gunter to have an evaluation by a mental health and chemical dependency specialist prior to taking the NCLEX exam.

The motion was seconded and carried. Ms. Piersall, Mr. Huber, Ms. Hale, Ms. Hanes, Mr. Horn, Ms. Jones-Clarke, Ms. Lane, Mr. Logan and Ms. Ponn were in favor of the motion. Dr. Selig and Ms. Spady opposed the motion.

RECESS: The Board recessed at 1:50 P.M.

RECONVENTION: The Board reconvened at 1:55 P.M.

EDUCATION
PROGRAMS:

Education Special Conference Committee:

The Board considered the recommendations of the Education Special Conference Committee from its meeting on March 20, 2006.

Mr. Huber moved that the Board of Nursing adopt the recommendations. The motion was seconded and carried unanimously.

ADJOURNMENT: The meeting was adjourned at 2:00 P.M.

Gregory J. Huber, R.N., M.S.N.
Secretary

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE**

March 21, 2006

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 2:00 P.M. on March 21, 2006, in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

BOARD MEMBERS
PRESENT: Lawrence L. Logan, Citizen Member, Chairperson
John M. Horn, L.P.N.

STAFF PRESENT: Susan Bell Rosen, R.N., F.N.P., M.S., J.D., Deputy Executive Director,
Discipline

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Mr. Logan moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:00 P.M. for the purpose of deliberation regarding case disposition. Additionally, Mr. Logan moved that Ms. Rosen attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 3:05 P.M.

Mr. Logan moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Investigative reports regarding seven registered nurses and seven licensed practical nurses were reviewed.

A probation/compliance report regarding Gwendolyn Kenney, L.P.N. 0002-105181 was reviewed.

ACTION: Mr. Horn moved to close five of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations.
The motion was seconded and carried unanimously.

Mr. Horn moved to close four of the above cases undetermined at this time.
The motion was seconded and carried unanimously.

Mr. Horn moved to offer five of the above individuals a pre-hearing consent order, in lieu of further administrative proceedings.
The motion was seconded and carried unanimously.

ADJOURNMENT:

The Committee adjourned at 3:10 P.M.

Susan Bell Rosen, R.N., F.N.P., M.S., J.D.
Deputy Executive Director, Discipline

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE**

March 21, 2006

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 3:15 P.M. on March 21, 2006, in Conference Room 3, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

BOARD MEMBERS
PRESENT: Gregory J. Huber, R.N., M.S.N., Chairperson
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Ms. Ponn moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 3:15 P.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Ponn moved that Ms. Power attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 4:05 P.M.

Ms. Ponn moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Investigative reports regarding twelve certified nurse aides were reviewed.

ACTION: Ms. Ponn moved to close four of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations.
The motion was seconded and carried unanimously.

Ms. Ponn moved to close five of the above cases undetermined at this time.
The motion was seconded and carried unanimously.

Ms. Ponn moved to offer two of the above individuals a pre-hearing consent order, in lieu of further administrative proceedings.

The motion was seconded and carried unanimously.

Ms. Ponn moved to offer confidential consent agreements to one of the above individuals, in lieu of initiating disciplinary proceedings.

The motion was seconded and approved unanimously.

ADJOURNMENT:

The Committee adjourned at 4:05 P.M.

Jodi P. Power, R.N., J.D.

Deputy Executive Director, Nurse Aide Registry Manager